

HIGH COURT OF MADHYA PRADESH,
BENCH AT GWALIOR

M.Cr.C. No.19728/2020

(Sanjam Singh Gurjar Vs. The State of Madhya Pradesh)

(1)

Gwalior, dated : 9/7/2020

Shri Vinod Kumar Dhakad, Advocate for the applicant.

Ms. Upendri Singh, Panel Lawyer for the respondent/State.

In pursuance of the directions issued by the Apex Court and guidelines issued by the High Court of Madhya Pradesh in the wake of COVID-19 outbreak, the matter was taken up through video conferencing while adhering to the norms of social distancing prescribed by the Government.

Heard learned counsel for the parties.

Case diary perused.

The applicant has filed this repeat application under section 439 of the Cr.P.C. for grant of bail. The previous one was dismissed as withdrawn vide order dated 11/12/19 passed in M.Cr.C. No.50324/2019.

The applicant has been arrested by Police Station Kadwaya, District Ashoknagar, in connection with Crime No.105/2019 registered in relation to the offences punishable under sections 294, 323, 324 and 326 of the IPC.

Allegations against the applicant, in short, are that when the complainant was grazing buffaloe and goats at his farm, the applicant came on the spot and started abusing him filthily. An

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altercation took place between them and the applicant gave him Axe blows due to which the complainant sustained injuries on his ear, head, right eye and other parts of the body. On the aforesaid basis, crime has been registered.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. He is in custody since 17/8/2019. Charge-sheet has been filed. No further custodial interrogation is necessary. As per medical report, the injuries sustained by the complainant are simple in nature. The X-ray report also suggests that there is no bony injury. At the most offence under section 324, IPC would be made out. There is no other family member in the family of applicant to earn the livelihood. Counsel for the applicant further submitted that due to COVID-19 outbreak, trial is being delayed and detention of applicant in already congested prisons may be detrimental. Applicant is a permanent resident of Village Baktar, P.S. Kadwaya, District Ashoknagar and there is no likelihood of his absconsion or tampering with the prosecution evidence. The applicant is ready to abide by all the terms and conditions as may be imposed by this Court. With the aforesaid submissions, prayer for grant of bail is made.

Learned counsel for the State opposed the application and prayed for its rejection by contending that on the basis of the

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allegations and the material available on record, no case for grant of bail is made out.

At this stage, applicant volunteered to deposit an amount of Rs.5,000/-(Rupees Five Thousand Only) in Prime Minister Citizen Assistance and Relief in Emergency Situation Fund (PM Cares Fund).

However, it would not be desirable to enter into the merits of the rival contentions at this juncture.

Considering the facts and circumstances of the case including that due to COVID-19, trial is not likely to conclude in near future and prolonged pre-trial detention being an anathema to the concept of liberty, this Court is inclined to extend the benefit of bail to the applicant.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant namely **Sanjam Singh Gurjar** be released on bail on furnishing a personal bond in the sum of **Rs. 50,000/- (Rupees Fifty Thousand only)** with a solvent surety in the like amount to the satisfaction of the trial Court/committal Court for his appearance on the dates given by the concerned Court. The applicant shall also furnish a written undertaking that he will abide by the terms and conditions of various circulars, as well as, orders issued by the Central Government, State

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Government and local administration from time to time such as maintaining social distancing, physical distancing, hygiene etc. to avoid proliferation of Corona virus.

It is made clear that benefit of bail shall be extended to the applicant only on depositing an amount of **Rs.5,000/- (Rupees five thousand only)** in the Prime Minister Citizen Assistance and Relief in Emergency Situation Fund (PM Cares Fund). The applicant shall submit an attested copy of its receipt before the concerning Court for keeping the same on record of the case.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant shall install **Aarogya Setu App** (if not already installed) in his mobile phone.
2. The applicant will comply with all the terms and conditions of the bond executed by him;
3. The applicant will cooperate in the investigation/trial, as the case may be;
4. The applicant will not indulge in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
5. The applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and
7. **If the applicant commits any offence while on bail, this order shall automatically stand cancelled without reference to the Court.**

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Learned counsel for the State is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy/e-copy as per rules/directions.

(S.A.Dharmadhikari)
Judge

(and)